

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

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US DISTRICT COURT

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TX EASTERN - LUFKIN

BY *[Signature]*

JULIO COLEGIO, EDUARDO HERNANDEZ,
and MANUEL PADILLA,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

Case No. 9:01CV161

EQUITABLE ACCEPTANCE CORPORATION
and ROYALWARE & NEW ERA INC.,

Judge Hannah

Defendants

PROPOSED JOINT DISCOVERY PLAN AND SCHEDULING ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Julio Colegio, Eduardo Hernandez and Manuel Padilla, Plaintiffs herein, and Equitable Acceptance Corporation, one of the Defendants herein, and file this Joint Discovery Plan and Scheduling Order pursuant to Rule 26(f) and show the Court as follows:

I.

Counsel for plaintiff and counsel for defendant conferred regarding the following matters and propose the following deadlines in accordance with Federal Rule of Civil Procedure 26(f):

1. The parties have conferred and are continuing to confer about the nature of their claims and the possibility of settlement. Plaintiffs and Defendants New Era, inc. and Equitable Acceptance Corporation both require additional discovery before a final determination can be made regarding discovery. The parties are not opposed to mediation if the matter is not otherwise amicably resolved.

2. Rule 26 disclosures shall be mailed by all of the parties no later than December 17, 2001.

3. Discovery may be needed on the following matters:

For Defendant: Defendants Equitable Acceptance Corporation and New Era, Inc. expect to conduct discovery on all grounds of Plaintiffs' class certification and on all of Plaintiffs' causes of action. The discovery will consist of interrogatories and admissions. Defendants may take one or two depositions of Plaintiffs and/or Plaintiffs' experts.

For Plaintiff: Plaintiff expects to conduct discovery on some of the grounds for class certification such as numerosity, whether the transactions at issue were in substance closed-end credit transactions, whether Equitable was a creditor or an assignee on all of the contracts at issue, whether the defendants were responsible for practice of giving pitch in Spanish and contract and disclosures in English, and the bases of New Era and Equitable's affirmative defenses. At the very least, Plaintiff anticipates sending interrogatories and taking the depositions of Equitable and New Era, Inc.

4. Discovery shall proceed in accordance with the Federal Rules of Civil Procedure. The parties have agreed that there will be no special limitation on discovery.

5. The parties have agreed to the following deadlines pursuant to the Court's Order for Scheduling Conference dated September 26, 2001:

Bench Trial: Will be set at a later date

Submission of Final Pretrial Order: May 28, 2002

Responses to Dispositive Motions: June 4, 2002

Dispositive Motions and any other motions that may require a hearing (including Daubert motions): May 13, 2002

Discovery Deadline:	April 26, 2002
Defendant to answer amended pleadings:	April 26, 2002
Amend pleadings:	April 12, 2002
Defendant to Identify Trial Witnesses:	April 22, 2002
Plaintiff to Identify Trial Witnesses:	April 15, 2002
Disclosure of Expert Testimony by Defendant:	April 12, 2002
Disclosure of Expert Testimony by Plaintiff:	March 29, 2002
Mediation to be Completed:	May 21, 2002
Privilege logs to be exchanged by parties (or a letter to the court stating there are no disputes as to claims of privileged documents):	April 19, 2002
Join Additional Parties:	February 28, 2002

Filed with this pleading is a proposed Scheduling Order consistent with Appendix L of the Local Rules.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs and Defendants Equitable Acceptance Corporation and New Era, Inc. pray that this Court will consider the above and foregoing Joint Discovery and Scheduling Plan under Rule 26(f) in issuing its Scheduling Order pursuant to Federal Rule Civil Procedure 16(b).

Respectfully submitted,



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*with
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